

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 28.11.2016

1. CRM-M-26897-2014

Pankaj Kamboj

...Petitioner

Versus

Payal Kamboj and another

...Respondents

2. CRM-M-43406-2014

Payal Kamboj and another

...Petitioners

Versus

Pankaj Kamboj

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. Sandeep Khunger, Advocate,
for the respondents.

JAISHREE THAKUR, J.

The two criminal miscellaneous petitions have been preferred challenging the order dated 09.07.2014 by which the learned Additional Sessions Judge, Ferozepur awarded a sum of ₹8,000/- in favour of the minor daughter Suhani Kamboj.

In brief, the facts are that Payal Kamboj and Pankaj Kamboj got married according to Hindu Rites at Ferozepur on 01.12.2002. Out of this wedlock, a baby was born on 24.10.2003, namely, Suhani. On account of various differences that arose between the parties, they started residing

separately in the year 2008. Thereafter, a petition under Section 125 Cr.P.C. came to be preferred by Payal Kamboj-wife for self and on behalf of the minor daughter. The JMIC, Fazilka, while awarding maintenance awarded a sum of ₹3,000/- to be paid to each of the respondents.

Aggrieved against the said maintenance, one petition came to be preferred by the husband against the grant of maintenance and a revision preferred by the wife on her behalf as well as on behalf of a minor daughter seeking enhancement of the maintenance awarded. By a composite order dated 09.07.2014, the Additional Sessions Judge, Ferozepur allowed the appeal filed by the minor daughter by enhancing the amount of maintenance to the tune of ₹8,000/- per month, while at the same time, setting aside the amount of maintenance as awarded to the wife on account of the fact that during the pendency of the proceedings, she got a Government Job.

Being aggrieved by this composite order, two petitions have been preferred, namely, by Shri Pankaj Kamboj, challenging the amount of maintenance as awarded to the minor daughter and the second petition has been preferred by Payal Kamboj and Suhani Kamboj seeking a further enhancement of the amount so fixed.

During the pendency of the proceedings in this Court, counsel appearing on behalf of the petitioner submits that in case, the respondent-wife, who is equally responsible for the upbringing of their minor daughter jointly pays an amount of ₹8,000/- as maintenance for the upbringing of their minor daughter, he would not press the instant petition.

Mr. Sandeep Khunger, Advocate sought instructions on the last date of hearing as to whether his client would be ready and willing to make

an equal deposit. After obtaining instructions, it is submitted before this Court, that A/c No.65274089176 has been opened in the name of their minor daughter, i.e., Miss Suhani, daughter of Pankaj Kamboj, State Bank of Patiala, Fazilka in which a sum of ₹8,000/- has already been deposited by the respondent-mother.

Today, affidavits have been filed by the respondents-parents of Miss Suhani stating therein that a sum of ₹8,000/- would be deposited in the said account every month.

In view of this situation and in the present facts and circumstances, the petition filed by Pankaj Kamboj challenging the amount of maintenance awarded to the minor daughter has been rendered infructuous and disposed of accordingly.

As regards, the petition filed by Miss. Suhani seeking enhancement of the maintenance amount as awarded in her favour by the Additional Sessions Judge, Fazilka, the same has not been pressed at this stage on account of the fact that her mother has made an equal deposit of ₹8,000/- in an account, which has recently been opened up. It is, however, clarified that the maintenance has to be paid as assessed by the Courts below is for the minor daughter Suhani Kamboj.

It is further clarified that the interim maintenance as awarded to Payal Kamboj will not be refunded or adjusted against any amount that is to be paid or deposited towards the maintenance being given to Miss Suhani Kamboj, since the order of the JMJC declining maintenance to Payal Kamboj was modified only on account of fact she got a Government job during pendency of revision petition.

With these observations, the above noted petitions are disposed of accordingly.

28.11.2016
Dinesh

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No.

Yes/No.